

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,		CASE NO.
Plaintiff,		
v.		
		Judge:
LEO M. OGNEN,		
Defendant.		

INDICTMENT

The Grand Jury Charges:

That at all times material and relevant to this Indictment and with respect to each count contained herein:

1. The Controlled Substances Act (Title 21, United States Code, Section 801 *et seq.*) and the associated portions of the Code of Federal Regulations issued pursuant thereto, hereinafter referred to collectively as The Act, governed, among other things, the distribution and dispensation of controlled substances.
2. The term “controlled substance” meant a drug included in Schedule I, II, III, IV, or V.

3. The term “dispense” meant to deliver a controlled substance to an ultimate user, typically the patient of a licensed, registered physician, through a prescription in the usual course of professional practice.

4. The term “distribute” meant to deliver a controlled substance to a patient other than by dispensing.

5. The term “individual practitioner” meant a physician or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he or she practiced, to dispense a controlled substance in the course of professional practice.

6. The Drug Enforcement Administration (DEA) issued registration numbers to qualifying individual practitioners, authorizing them to dispense Schedule II, III, IV, and V controlled substances.

7. Prescriptions for controlled substances were valid only if they were issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice. Defendant LEO M. OGNEN was a medical doctor licensed by the State of Ohio and considered an “individual practitioner.”

8. In November 1995, the DEA issued registration #BO4669492 to defendant LEO M. OGNEN, authorizing him to write prescriptions for controlled substances following the guidelines and rules set forth in The Act.

9. Defendant LEO M. OGNEN operated what purported to be a medical practice in Toledo, Ohio.

10. OxyContin is a controlled-release tablet containing a formulation of the Schedule II controlled substance Oxycodone. OxyContin tablets are intended to be taken orally for the

management of moderate to severe pain when a continuous, around-the-clock analgesic is needed for an extended period of time. Because OxyContin tablets contain Oxycodone, they can be highly addictive.

11. Percocet tablets contain a formulation of the Schedule II controlled substance Oxycodone. Percocet tablets are intended to be taken orally to relieve moderate to moderately severe pain. Because Percocet tablets contain Oxycodone, they can be highly addictive.

COUNT 1

(Conspiracy to Unlawfully Distribute and Dispense Controlled Substances)

The Grand Jury Further Charges:

The Conspiracy

1. That beginning in or about January 2002, and continuing through in or about October 2004, within the Northern District of Ohio, Western Division, the defendant LEO M. OGNEN, knowingly and intentionally did combine, conspire, confederate and agree and have a tacit understanding with various other persons, both known and unknown to the Grand Jury, to unlawfully distribute and dispense and cause to be distributed and dispensed, outside the usual course of medical practice and for other than legitimate medical purposes, approximately 1,606,000 dosage units of Oxycodone, a Schedule II controlled substance, in the form of approximately 446,000 generic and trade name OxyContin tablets in 10 mg., 20 mg., 40 mg., or 80 mg. dosages, and approximately 1,160,000 generic and trade name Percocet tablets in 5 mg. 7.5 mg. and 10 mg. dosages, in violation of Title 21, United States Code, Sections 841(a)(1).

Manner and Means of the Conspiracy

2. It was further part of the conspiracy that defendant LEO M. OGNEN, and/or his medical office staff at his direction, performed only cursory examinations, and sometimes

performed no examinations, of new patients and established patients before prescribing Schedule II controlled substances, particularly Oxycodone in the form of OxyContin, to these patients.

3. It was further part of the conspiracy that defendant LEO M. OGNEN sometimes requested and received cash payments in the approximate amount of \$40 to \$50 in currency from patients for whom he prescribed OxyContin and other Schedule II controlled substances.

4. It was further part of the conspiracy that defendant LEO M. OGNEN would prescribe OxyContin and other Schedule II controlled substances for patients he knew were addicted to these controlled substances and/or sold these controlled substances to others.

5. It was further part of the conspiracy that established patients for whom defendant LEO M. OGNEN had prescribed OxyContin and other Schedule II controlled substances would recruit members of their family, friends, or neighbors to become new patients of the defendant and the defendant would then prescribe OxyContin and other Schedule II controlled substances to these individuals.

6. It was further part of the conspiracy that defendant LEO M. OGNEN and his coconspirators took steps to conceal the existence, purpose and acts done in furtherance of the conspiracy.

Overt Acts In Furtherance Of The Conspiracy

7. In furtherance of the conspiracy, and to effectuate the objects thereof, defendant LEO M. OGNEN and his coconspirators committed, among other acts, the following overt acts in the Northern District of Ohio, Western Division and elsewhere:

8. Defendant LEO M. OGNEN wrote his patient-coconspirators prescriptions for OxyContin and other Schedule II controlled substances outside the usual course of medical

practice and for other than a legitimate medical purpose, the writing of each such prescription being a separate overt act.

9. Patient-coconspirators of defendant LEO M. OGNEN paid the defendant personally, or paid his medical practice, approximately \$40 to \$50 in currency after receiving a prescription for OxyContin or other Schedule II controlled medications, each such payment being a separate overt act.

10. Patient-coconspirators of defendant LEO M. OGNEN provided the defendant with their Medicaid identification numbers so the defendant could bill Medicaid for writing the OxyContin prescriptions and for writing prescriptions for other Schedule II controlled medications, the providing of each such Medicaid identification number being a separate overt act.

All in violation of Title 21, United States Code, Section 846

COUNT 2 - COUNT 26
(Unlawful Distribution and Dispensing of Controlled Substances)

The allegations contained in paragraphs 2 through 10 of Count 1, above, are realleged and incorporated by reference herein.

The Grand Jury Further Charges:

That on or about the dates listed below, in the Northern District of Ohio, Western Division, defendant LEO M. OGNEN, did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed, outside the usual course of medical practice and for other than a legitimate medical purpose, Oxycodone, a Schedule II controlled substance in the form of OxyContin, to the following persons and in the following quantities:

Count	Date	Patient	Schedule II Substance	Quantity/Dosage
2	9/27/2004	T.E.	OxyContin	90 80mg. tabs.
3	2/12/2004	A.H.	OxyContin	60 80 mg. tabs.
4	9/15/2004	B.M.	OxyContin	60 80 mg. tbs.
5	10/7/2004	S.S.M.	OxyContin	60 40 mg. tabs.
6	3/26/2004	A.O.	OxyContin	60 40 mg. tabs.
7	10/21/2004	P.S.	OxyContin	60 80 mg. tabs.
8	10/14/2004	A.Ba.	OxyContin	60 80 mg. tabs.
9	1/24/2004	P.B.	OxyContin	60 80 mg. tabs.
10	9/27/2004	A.Bo.	OxyContin	60 80 mg. tabs.
11	9/15/2004	V.C.	Oxycodone	240 5 mg. tabs.
12	9/28/2004	B.C.	OxyContin	60 40 mg. tabs.
13	10/19/2004	F.G.	OxyContin	60 80 mg. tabs.
14	9/28/2004	L.L.	OxyContin	60 40 mg. tabs.
15	9/28/2004	S.L.	OxyContin	90 80 mg. tabs.
16	10/18/2004	V.P.	OxyContin	60 80 mg. tabs.
17	10/12/2004	M.L.S.	OxyContin	60 80 mg. tabs.
18	10/15/2004	R.S.	OxyContin	60 80 mg. tabs.
19	10/19/2004	M.S.	OxyContin	60 40 mg. tabs.
20	10/4/2004	J.W.	Oxycodone	120 5 mg. tabs.
21	7/25/2003	J.M.C.	OxyContin	60 20 mg. tabs.
22	2/10/2004	S.H.	OxyContin	60 80 mg. tabs.
23	8/27/02	J.S.	Oxycodone	40 5 mg. tabs.
24	8/6/2003	K.T.	OxyContin	60 80 mg. tabs.
25	7/24/03	J.K.	OxyContin	60 20 mg. tabs.
26	6/26/02	J.A.	OxyContin	25 80 mg. tabs.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(c).

A True Bill.

Original document – Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.